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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,681	10/01/2003	Maurice Paleschuck	994-2	8219
7590 03/21/2005			EXAMINER	
Galgano & Burke Suite 35 300 Rabro Drive Hauppauge, NY 11788			NGUYEN, JIMMY T	
			ART UNIT	PAPER NUMBER
			3725	

DATE MAILED: 03/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/676,681

Applicant(s)

PALESCHUCK, MAURICE

Examiner

Jimmy T Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 8-19, 25 and 26 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20-24 is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-7 and 27 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5/20/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Election/Restrictions*

Applicant's election without traverse of Group I (claims 1-7, 20-24 and 27) in the reply filed on February 22, 2005 is acknowledged, an action on the merit follows.

### *Drawings*

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "102" has been used to designate both "a compartment for a bag" (figs. 12, 13, 15a, and 15b) and "a compartment for bellows" (figs. 20, 21).

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "upper drain and a lower drain" (claim 4) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the

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renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

The disclosure is objected to because of the following informalities:

Page 8, line 2, the word "Du" should be changed to --- Due ---.

Page 17, last line, the word "opend" should be changed to --- opened ---.

"a compartment for a trash bag" is indicated by both reference numbers "102" (page 13) and "104" (pages 14-15).

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 5, line 2, there is no antecedent basis for "the lower port" in the claim.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1, 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paleschuck (US 4,680,808) (hereinafter "Paleschuck '808"), in view of Paleschuck (US 4,444,099) (hereinafter "Paleschuck '099"), and Gorges et al. (US 4,463,774) (hereinafter "Gorges").** Paleschuck '808 discloses an aircraft trash management system comprising: a trash bag (10) having a porous bottom (see abstract); a compactor having a compacting chamber (fig. 6) having a drain port (col.3, line 65), a chamber (fig. 6) in communication with cabin pressure (col. 4, lines 6-19) and a bellows (72) driven crusher plate (68) between the two chambers. Paleschuck '808 discloses a drain line (96) coupled to the compacting chamber port is being provided for fluid communication with outside atmosphere (col. 3, line 620 col. 4, line 3). Paleschuck '808 does not expressly disclose the valve arrangements as claimed. However, the patent to Paleschuck '099 discloses an aircraft trash management system having a compacting chamber drain port (34), a drain valve (74) providing fluid communication with atmospheric pressure (fig. 2) and a valve means (55) for selectively coupling the compacting chamber drain port to the drain valve (fig. 2) such that the compacting chamber is in fluid communication with atmospheric pressure (fig. 3). Paleschuck '099 teaches this valve arrangement in order to discharge the waste liquid to outside atmosphere during compaction (col. 2, lines 46-57).

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Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Paleschuck '808 with a valve arrangement as taught by Paleschuck '099, in order to discharge the waste liquid to outside atmosphere during compaction.

As to the drain valve is being a bilge valve, Paleschuck '808, as modified by Paleschuck '099, does not disclose that his drain valve is a bilge valve. The patent to Gorges can be apply to show that it is old and well known in the aircraft drainage system to utilize bilge valve as the type of valve to drain liquid (col. 1, lines 8-26). Gorges teaches a bilge valve includes a spring biased plunger (20, 22) having a through bore (fig. 5). Gorges teaches the use of his bilge drain valve in order to ensure reliable valve operation and complete drainage of liquid when the valve is open (abstract). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Paleschuck '808 with a bilge drain valve, as taught by Gorges, in order to ensure reliable valve operation and complete drainage of liquid when the valve is open.

Though Paleschuck '808 does not explicitly disclose a drain valve for providing fluid communication with atmospheric pressure, Paleschuck '808 implicitly teaches that the liquid can be dumped overboard (to outside atmosphere) through the drain line system. Therefore, it is inherently in this technology to provide the airplane with a drain valve in order to drain liquid overboard.

**Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paleschuck '808, Paleschuck '099, and Gorges et al., as applied to claim 1 above, in further view of Young et al. (hereinafter "Young") (US 5,116,139). Paleschuck '808, as modified by**

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Paleschuck '099 and Gorges et al., discloses the invention substantially as claimed as set forth above. Paleschuck '808 discloses the trash bag, Paleschuck '808 does not disclose that the bottom of the trash bag is being impregnated/filled with an antibacterial agent and a leaching enzyme. However, the patent to Young teaches that it is old and well known to provide a bottom of a fluid containment bag (10) for containing waste liquids with an absorbent material (42) such as an antibacterial agent and a leaching enzyme in order to minimize growth of bacteria and other microorganism (col. 6, lines 37-65). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Paleschuck '808's bag with an absorbent material (42) such as an antibacterial agent and a leaching enzyme, as taught by Gorges, in order to minimize growth of bacteria and other microorganism.

**Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Paleschuck (US 4,680,808) (hereinafter "Paleschuck '808"), in view of Paleschuck (US 4,444,099) (hereinafter "Paleschuck '099").** Paleschuck '808 discloses an aircraft trash management system comprising: a trash bag (10) having a porous bottom (see abstract); a compactor having a compacting chamber (fig. 6) having a drain port (col.3, line 65), a chamber (fig. 6) in communication with cabin pressure (col. 4, lines 6-19) and a bellows (72) driven crusher plate (68) between the two chambers. Paleschuck '808 discloses a drain line (96) coupling the compacting chamber port to a drain mast for dumping liquid overboard to outside atmosphere (col. 3, line 620 col. 4, line 3). Paleschuck '808 does not expressly disclose a valve means as claimed. However, the patent to Paleschuck '099 discloses an aircraft trash management system having a compacting chamber drain port (34), a valve means (55) for selectively coupling the

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compacting chamber drain port to a drain mast (at element (2)) such that the compacting chamber is in fluid communication with atmospheric pressure (fig. 3). Paleschuck '099 teaches this valve arrangement in order to discharge the waste liquid to outside atmosphere during compaction (col. 2, lines 46-57). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Paleschuck '808 with a valve means as taught by Paleschuck '099, in order to discharge the waste liquid to outside atmosphere during compaction.

#### ***Allowable Subject Matter***

Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 5-6 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 20-24 are allowed.

#### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art listed on the attached PTO 892 are cited to show aircraft compacting system.



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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy T Nguyen whose telephone number is (571) 272-4520.

The examiner can normally be reached on Mon-Thur 8:00am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (571) 272- 4419. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JTNguyen  
March 09, 2005



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